

EXHIBIT 3

***UNREDACTED VERSION
OF DOCUMENT
SOUGHT TO BE SEALED***

EXHIBIT 3

HIGHLY CONFIDENTIAL—ATTORNEYS' EYES ONLY

QUINN EMANUEL URQUHART & SULLIVAN, LLP

Charles K. Verhoeven (Bar No. 170151)

charlesverhoeven@quinnemanuel.com

David A. Perlson (Bar No. 209502)

davidperlson@quinnemanuel.com

Melissa Baily (Bar No. 237649)

melissabaily@quinnemanuel.com

John Neukom (Bar No. 275887)

johnneukom@quinnemanuel.com

Jordan Jaffe (Bar No. 254886)

jordanjaffe@quinnemanuel.com

50 California Street, 22nd Floor

San Francisco, California 94111-4788

Telephone: (415) 875-6600

Facsimile: (415) 875-6700

Attorneys for WAYMO LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

UBER TECHNOLOGIES, INC.;
OTTOMOTTO LLC; OTTO TRUCKING
LLC,

Defendants.

CASE NO. 3:17-cv-00939-WHA

**PLAINTIFF WAYMO'S
DISCLOSURE OF KRISTINN
GUDJONSSON PURSUANT TO FRCP
26(a)(2)(C)**

HIGHLY CONFIDENTIAL—ATTORNEYS' EYES ONLY

1 Pursuant to Fed. R. Civ. P. 26(a)(2)(C), Plaintiff Waymo LLC hereby discloses Kristinn
2 Gudjonsson as a potential expert witness for trial. As explained in Waymo's List of Opinions and
3 Testimony Depending on Specialized Knowledge for Cases-in-Chief at Trial (Dkt. 770) and
4 Waymo's List of Issues on Which It Will Present Expert Testimony During Its Case-in Chief at
5 Trial, Waymo does not expect Mr. Gudjonsson to offer opinion testimony at this time, but rather
6 expects him to testify as to his role in the forensic investigation described in the March 9, 2017
7 Declaration of Gary Brown ("the Brown Declaration"), and the conclusions drawn from that
8 investigation. In an abundance of caution, and to the extent the Court deems Mr. Gudjonsson's
9 testimony at trial as opinion testimony, Waymo hereby submits this disclosure pursuant to Rule
10 26(a)(2)(C).

Expert Witness:

12 Kristinn Gudjonsson
13 Security Engineer, Google
14 1600 Amphitheatre Parkway
Mountain View, CA 94043

Subject Matter:

15 Pursuant to Fed. R. Civ. P. 26(a)(2)(C)(i), Waymo expects Mr. Gudjonsson to present
16 evidence at trial concerning the forensic investigation into Anthony Levandowski, Sameer
17 Kshirsagar and Radu Raduta, and the conclusions drawn from the results of the forensic
18 investigation. In presenting this evidence to the jury, Mr. Gudjonsson is expected to rely on his
19 professional experience and expertise, and the materials he generated, reviewed and/or relied on
20 during the course of the forensic investigation, including but not limited to log materials produced
21 at WAYMO-UBER-00000648-944.

22 Mr. Gudjonsson is expected to testify as to the analysis of Google's networks and
23 hardware, including but not limited to two laptops issued to Anthony Levandowski, as well as
24 various sets of log data and machine analyses concerning Mr. Levandowski's download of more
25 than 14,000 files and trade-secret Google Drive documents, subsequent reformatting and erasure
26 of the computer used to perform those downloads, subsequent insertion and removal of a USB
27 card-reader and related activities. In the course of this testimony, Mr. Gudjonsson may discuss his
28

HIGHLY CONFIDENTIAL—ATTORNEYS' EYES ONLY

1 experience and familiarity with various forensic tools, such as write blockers and certain
2 decryption tools. Mr. Gudjonsson may also discuss his experience and familiarity with various
3 log sources, data sources, and security investigation tools, including but not limited to: [REDACTED]

4 [REDACTED] Mr. Gudjonsson is expected to
5 testify consistent with the Brown Declaration and his July 28, 2017 deposition, and hereby
6 incorporates those materials by reference, including all exhibits and/or documents attached thereto
7 or referenced therein.

8 Summary of Facts:

9 Pursuant to Fed. R. Civ. P. 26(a)(2)(C)(ii), Waymo also provides the below summary of
10 facts to which Waymo expects Mr. Gudjonsson may testify at trial:

11 Mr. Gudjonsson may testify as to his own credentials as a Security Engineer and digital
12 forensics expert. Mr. Gudjonsson has a B.S. degree in computer and electrical engineering from
13 the University of Iceland, a degree in network engineering with a focus on network security from
14 the Institut National des Telecommunications and has taught courses in network forensics and
15 security at Reykjavik University and for the SANS Institute. Mr. Gudjonsson is currently a
16 manager in information security within the Detection Response group at Google. Previous to his
17 current position, Mr. Gudjonsson was a security engineer within the same group. He has been in
18 his current position for almost three years, and was in his previous position for three years. During
19 his time at Google, Mr. Gudjonsson has performed around [REDACTED] forensic investigations and
20 overseen around the same amount.

21 Mr. Gudjonsson may also testify about the process by which a digital forensic
22 investigation is initiated and proceeds at Google. He may explain how the scope of the
23 investigation is determined and what written policies and/or company guidelines might apply to a
24 forensic investigation of a current or former Google employee. Mr. Gudjonsson may explain what
25 indices might prompt a digital forensic investigation to be initiated. He may explain the
26 significance or potential significance of certain findings, how those findings might inform
27
28

HIGHLY CONFIDENTIAL—ATTORNEYS' EYES ONLY

1 subsequent steps in the investigation, and what the relevance of those findings might be to any
2 conclusion.

3 Mr. Gudjonsson may also testify about the forensic investigations of Anthony
4 Levandowski, Sameer Kshirsagar and Radu Raduta. Mr. Gudjonsson may testify about the form of
5 the specific request to investigate Levandowski, what devices were the subject of that
6 investigation, and the proposed timeline for the investigation. Mr. Gudjonsson may testify about
7 the initial steps taken at the outset of the investigation, including but not limited to the actions he
8 took to secure the devices at issue and his attempts to decrypt the hard drives in the Levandowski
9 laptops to examine them for unusual user behavior. Mr. Gudjonsson may explain that, based on
10 his examination, he concluded that Mr. Levandowski had asked for his machine to be reimaged,
11 and that this was unusual user behavior.

12
13 DATED: August 24, 2017

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

14
15
16 By /s/ Charles Verhoeven

17 Charles K. Verhoeven
18 Attorneys for WAYMO LLC
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing to be served by electronic mail upon the following:

Recipient**Email Address:**

Arturo J. Gonzalez
 Daniel Pierre Muino
 Eric Akira Tate
 Esther Kim Chang
 Matthew Ian Kreeger
 Michael A. Jacobs
 MORRISON & FOERSTER LLP
 425 Market Street
 San Francisco, CA 94105

UberWaymoMoFoAttorneys@mofo.com

Michelle Ching Youn Yang
 MORRISON FOERSTER LLP
 2000 Pennsylvania Avenue, NW
 Washington, DC 20006

Rudolph Kim
 MORRISON & FOERSTER LLP
 755 Page Mill Road
 Palo Alto, CA 94304

Wendy Joy Ray
 MORRISON & FOERSTER LLP
 707 Wilshire Boulevard
 Suite 6000
 Los Angeles, CA 90017

Michael Darron Jay
 BOIES SCHILLER & FLEXNER
 LLP
 401 Wilshire Boulevard, Suite 850
 Santa Monica, CA 90401

BSF_EXTERNAL_UberWaymoLit@bsfllp.com

Meredith Richardson Dearborn
 BOIES SCHILLER FLEXNER
 LLP
 435 Tasso Street
 Suite 205
 Palo Alto, CA 94301

Hamish Hume
 Jessica E Phillips
 Karen Leah Dunn
 Kyle N. Smith
 Martha Lea Goodman
 BOIES SCHILLER FLEXNER

HIGHLY CONFIDENTIAL—ATTORNEYS' EYES ONLY

LLP
1401 New York Ave., NW
Washington, DC 20005
I. Neel Chatterjee (SBN 173985) DG-GPOttoTruckingWaymo@goodwinlaw.com
GOODWIN PROCTER LLP
135 Commonwealth Drive
Menlo Park, CA 94025
Tel.: +1 650 752 3100
Fax: +1 650 853 1038

Brett M. Schuman (SBN 189247)
Shane Brun (SBN 179079)
Rachel M. Walsh (SBN 250568)
GOODWIN PROCTER LLP
Three Embarcadero Center
San Francisco, California 94111
Tel.: +1 415 733 6000
Fax.: +1 415 677 9041

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 24, 2017, in San Francisco, California.

/s/ Jeff Nardinelli

Jeff Nardinelli
Attorney for Waymo LLC